

Ser. No. 09/759,766
Attorney Docket No. 2359-00

REMARKS

The Applicants note with appreciation the provisional allowance of claims 12 and 13. Claims 2-11, 19, and 20 were objected to because of certain informalities. Claims 2-11, 19, and 20 have been amended to substitute the word "invention" with "apparatus", as suggested by the Examiner. Claim 19 was inconsistent with claim 20. The term "synthetic muscles" has been used consistently in these claims.

Claims 12 and 13 were rejected under 35 USC §112, second paragraph, as being indefinite. Claim 12 was held to be indefinite due to the use of a first contraction force and a second contraction force and how these forces are provided. Claim 12 has been amended to provide a contraction force from the ciliary muscles to the zonular fibers and providing an augmented contraction force by the addition of the bridge to the zonular fibers. Claim 13 was deemed indefinite due to the above rejection of claim 12 due to its dependency on claim 12. This rejection has been overcome by the amendments to claim 12. Additionally, claim 13 was deemed unclear because "the eye lens" did not have an antecedent basis. Claim 13 was amended to provide "an eye lens". Thus, with these amendments, these claims are allowable.

Claims 1, 2, 4-6, 10, and 14-20 were rejected under 35 USC § 102(b) as being anticipated by Banko. Banko discloses removing and replacing the natural crystalline lens and removing part of its capsule and all of the natural zonules and implanting a lens that has certain suture haptics to be sutured to

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the ciliary muscles. The present invention does not discuss or require the removal of the natural lens, its capsules or any of the zonular fibers. Medically speaking, in Banko's disclosure the entire Hanover canal (space within the anterior and exterior zonules) is removed while in the present application the Hanover canal accommodates the placement of the mini-bridges to augment the action of the zonules in near and far accommodations. Banko is specifically intended for a cataract surgery type of implanted lens accommodation while the presently claimed invention is for non-cataract patients whose natural lens needs near and far accommodations, which is achieved by the mini-bridges placed within the natural zonules. Thus, our invention does not remove the natural zonules but only reinforces them with mini-bridges to do a better job of only near vision accommodation. To more clearly set out the distinctive features of the present invention, independent claims 1 and 18 have been amended to more closely resemble the features of the provisionally allowed independent claim 12. The features that have been added are the provision of providing a first constriction force from the ciliary muscles to the natural zonules and the provision of a second constricting force by the addition of a bridge to the natural zonules which is an augmented first constriction force for constricting the eye lens. These amendments overcome the rejections based on Banko because in Banko, the natural zonules are removed and replaced with sutures, thus, there is no provision for using a first constriction force augmented by a bridge, creating a second augmented constriction force. With the amendments to the claims, these rejections have been overcome, making the claims allowable.

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Claims 1, 2, 4-6, 10, and 14-17 were rejected under 35 USC § 102(b) as being anticipated by Langerman. Langerman suffers from the same deficiencies as Banko in that it is again concerned with removing the natural lens and zonules and capsules and replacing them with an artificial lens and zonules. Langerman throughout the patent discusses artificial zonules. The presently claimed invention, as amended, uses the natural zonules and augments the constriction force through the natural zonules with a bridge. Further, the examiner erroneously states that Langerman uses at least one bridge and refers to the disclosed annular flaps (annular flap portion 24b, 27b' and 27b''). These flaps do not serve as bridges but only as stabilizing haptics and artificial zonules attached to the artificial capsular bag 24 (col 8, lines 22-30) and (col. 13, lines 59-63) as artificial zonular fibers or capsular flaps 24b or 27b' and 27b'' (col. 14, lines 29-39). There is not a single mention of a bridge or a means to augment the constriction force of the ciliary muscles to the natural zonules in Langerman. As previously indicated in the previous section, the independent claims have been amended to more clearly define the novel features of the invention, none of which are present or implied in Langerman. With these amendments, the claims are allowable.

Having responded to each and every objection and rejection raised by the Examiner, it is believed that the patent application is now in condition for allowance, and such allowance is respectfully requested. If the Examiner has any questions or suggestions for expediting an allowance in this matter, the Examiner is invited to call the undersigned collect.

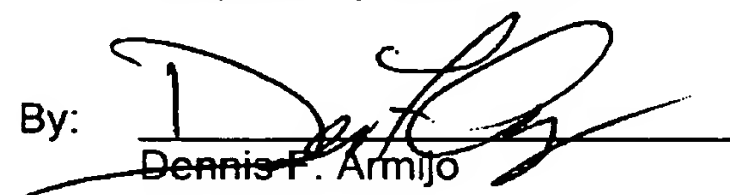
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The Commissioner is authorized to charge any fees or credit any overpayment under 37 CFR §§ 1.16 and 1.17 which may be required during the entire pendency of the application to Deposit Account No. 01-2335.

Respectfully submitted,

Dated: September 13, 2004

By:


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